

### Remarks/Arguments

This Amendment is submitted in response to the Office action of August 12, 2003, along with a petition for a three month extension of time to reply making this Amendment due on or before February 12, 2004.

#### I. Amendment to the Specification

The specification is amended herein to provide the application number of the cited reference. The application number had not yet been issued by the patent office when the application was filed.

#### II. Rejection of claims 1-33

Claims 1-33 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,435,799 to Lundin.

##### *A. Claims 1-29 and 34-35*

Claims 1 and 14 are independent claims, and claims 2-13 and 15-29 dependent claims.

Claims 1 and 14 are amended herein as follows:

(a) providing ~~a plurality of~~ at least a first and a second convertible multi-position exercise unit[[s]] adapted for use by the at least first user and the second user, respectively, each of said exercise units being convertible to several different configurations to allow [[a]] the users to perform multiple different exercises on said exercise units in a generally coordinated manner at the direction of an instructor, each of said exercise units further including

Claims 1 and 14 have been amended to more clearly recite the group program aspect of the invention. It is believed that the claims as originally presented implicitly included the limitations added herein. However, for clarification, the claims have been amended to recited more explicit limitations.

The invention discussed in the Lundin reference does not involve group training as provided in independent claims 1 and 14, but instead involves a circuit training device for a single user. The device of Lundin provides instruction to the user through a display on the device generated by a computer type processor. The background of the Lundin reference mentions circuit training for a group. However, the circuit training discussed in the background involves a group of users moving between a plurality of different stations, but does not involve a group of users staying at an exercise unit to perform multiple different exercises on said exercise units in a generally coordinated manner at the direction of an instructor. For at least the reasons

set forth above, it is believed that claims 1 and 14, as amended herein, are not anticipated by Lundin. Thus, it is believed that claims 1 and 14 are in form for allowance, and such indication is respectfully requested.

New claims 34 and 35, depending from claims 1 and 14, respectively, particularly describe the adjustable resistance engines of the exercise units as utilizing elastomer springs and further providing that the resistance engines include “an actuator attached to said resistance engine wherein said resistance engine provides a constant load to a user when said actuator is actuated.” These new claims specifically set forth one type of exercise unit that may be employed in the group exercise programs defined in the claims. The exercise device set forth in Lundin does not include a resistance engine as set forth in new claims 34 and 35. For this reason and the reasons set forth above with regard to independent claims 1 and 14, it is believed that new claims 34 and 35 are neither anticipated nor rendered obvious by Lundin.

Dependent claims 2-13 and 15-29 set forth more detail in the arrangement of the group programs set forth in independent claims 1 and 14, respectively. For example, claims 2 and 15 further define the group programs as “wherein said plurality of exercise units are arranged in one or more of the group selected from: a circle, an oval, a row, a triangle and a square.” The Lundin reference does not describe such an arrangement. It is further submitted that dependent claims 3-13 and 16-29 provide other distinctions that are not recognized by the Lundin reference. Thus, for the reasons set forth above with regard to independent claims 1 and 14 and for other reasons, it is believed that dependent claims 2-13 and 15-29 are not anticipated or rendered obvious by Lundin, in form for allowance, and such indication is respectfully requested.

#### B. Claims 30-33

It is respectfully submitted that the Lundin reference does not disclose or describe anything similar to the subject matter of claims 30-33. The Lundin reference does not anticipate or render obvious the subject matter of claims 30-33. As such, it is believed that claims 30-33 are in form for allowance, and such indication is respectfully requested.

**Conclusion**

For at least the reasons set forth herein, it is believed that claims 1-35 are in form for allowance, and such indication is respectfully requested. A check in the amount of \$986 is enclosed covering the fee for two new dependent claims and \$950 for a three month extension of time to respond to the August 12, 2003 Office action. However, if any application processing fees are required, the Examiner is hereby authorized to charge deposit account number 04-1415.

The Examiner is respectfully requested to contact the undersigned via telephone to address any issues regarding the application and allowance of the pending claims.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Dated: February 9, 2004



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